

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

March 22, 2004

PRESENT: Tom Cowan, Chair
Mark Decker
Terry Janicz
Rick Meahl
John Potera
Andy Kelkenberg
Christine Falkowski, Planning Board Clerk

The meeting was called to order by Tom Cowan at 7:30 PM.

OLD BUSINESS

▪ **Outdoor Clam Stand at 11986 Main Road (The Dog House)**

Tom shared that the Town Attorney advised that there is no place in our Code that covers this request. We may want to consider “seasonal sales” as a part of the Route 5 Overlay rezoning. In the meantime, we could consider allowing an annual Special Use Permit to be renewed annually. A full site plan would be required. Christine contacted the Erie County Health Dept., who stated that this type of operation out of a trailer would require a Mobile Unit Permit requiring certain equipment, a special sink, screened windows, etc. It could then be used any place in Erie County. They see no problems with the clam stand operating on the Pasinski’s property or using their power. They would have to submit their application and trailer plans at least three weeks prior to opening. The Planning Board would rather see an attached pavilion or at least the trailer removed after the season, but overall do not favor this type of operation. Other concerns are parking, septic, liquor license. Mr. Kopera and Mr. Stein will attend the meeting on April 5th for further discussion.

▪ **Route 5 /Overlay Zone/Moratorium on Used Auto Dealers/Design Criteria**

A summary dated March 22nd of the Steering Committee meeting held on February 20th, prepared by Drew Reilly, was distributed. Tom will attend the next meeting to be held either April 15th or 22nd. The existing three zones on Route 5 just need more restrictions via the overlay criteria to be developed. Are the three zones being fully utilized? Where else do we want to see commercial development in the Town? Do we want to see residential interspersed with commercial? Do we want to see flaglots utilized such as Home Depot on Transit? How far back should we go? Too far back may be a problem with wetlands.

▪ **Minutes Review**

Andy motioned to approve the minutes of March 15, 2004 as amended, seconded by Tom and all approved.

▪ **Zoning Report** was reviewed.

▪ **Flaglots/Open Development**

Christine distributed the Clarence ordinance. Does our subdivision code apply to commercial lots or just residential? Only residential requires the need for more parkland/greenspace, therefore, should the greenspace fee be charged for commercial?

Flaglots will be discussed at the April 5th meeting. We’d like to make recommendation to Town Board in a few weeks. Questions to consider:

- Where in town?
- Minimum width at ROW?
- How many homes?
- Single family only?
- Minimum width and materials for driveway?
- Require site plan?
- Maintenance agreements?
- Commercial zones?

NEW BUSINESS

Review site plans for used car lot Special Use Permits

Richard Belotta - 13722 Main Road

Mr. Belotta stated that he was lax in the beginning, but that he cleaned up the property and landscaped. Most of his business is wholesale, and he just does a few retail each month. Mr. Belotta was told that the new zoning criteria on Route 5 would mandate daily hours of operation. Mr. Belotta stated that he would not be able to comply with this, and asked how this location would be better with him not there. Tom offered that he may want to move to a different commercial location. Mr. Belotta was told that his permit, which is currently approved through May 1, 2004, will be extended to December 31, 2004 only.

George Hauer - 11372 Main Road

Mr. Hauer stated that he thought his location was grandfathered for auto sales, but he was told that Mr. Smith did not have a genuine auto sale business operating before the new zoning took effect. Mr. Hauer was shown photos of the property revealing cars under snow and a disheveled appearance. Mr. Hauer feels he is complying, that he has legitimate car sales and that the location is better now than before he opened. Mr. Hauer was told that the new zoning criteria on Route 5 would mandate daily hours of operation. He stated that he could not afford to pay someone to be there while he is busy out buying cars and that he needs more time to grow his business. Mr. Hauer was told that his permit, which is currently approved through May 1, 2004, will be extended to December 31, 2004 only.

Mark motioned to approve both Special Use Permits above through December 31, 2004, seconded by Terry and all approved.

Next meeting: Monday, April 5, 2004

Andy motioned to adjourn the meeting at 9:00 PM, seconded by John and all approved.

Respectfully submitted,
Christine Falkowski, Recording Secretary